



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 13 मई, 1989/23 वैशाख, 1911

हिमाचल प्रदेश, सरकार

LABOUR DEPARTMENT

NOTIFICATION

Shimla-171002, the 1st February, 1989

No. 15-25/86-LEP.—Whereas it appears to the Governor, Himachal Pradesh, that there is an Industrial Dispute between the Himachal Pradesh State Co-operative Marketing and Consumers Federation Ltd., Shimla-171003 and the Himachal Pradesh State Co-operative Marketing and Consumers Federation Ltd. Employees Union Shimla, Himachal Pradesh.

Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers vested in him under section 10 (1) (c) of the Industrial Disputes Act, 1947 (Act No. 14 of 1947) hereby refer this case/matter to the Labour Court Himachal Pradesh, Shimla-2, constituted under section 7 of the Industrial Disputes Act, 1947 for adjudication as under:—

1. "Whether the Charter of Demands submitted by the General Secretary, M/s Himachal Pradesh State Co-operative Marketing and Consumers Federation Ltd., (HIMFED) Employees Union, Shimla, vide letter EU/2/88-VOL-II-2665, dated 30-12-88 (Copy enclosed) is justified and in order. If so, to what relief the workmen employed in the HIMFED are entitled?"

2. "Whether the action of the Workers in going on strike in support of their demands referred to above and during the operation of the settlement arrived at between the management of HIMFED and HIMFED Employees Union on 4th/5th December, 1988 (Copy enclosed) is legal and justified. If yes, to what relief the concerned workmen are entitled".

By order,
G. S. CHAMBIAL,
Commissioner-cum-Secretary

Registration No. 289.
Dated 20th February, 1984.

UNITED WE STAND
DEVIDED WE FALL

HIMFED Recognition No-SF-10025-32.
Dated 6th April, 1984.

THE H. P. STATE CO-OP. M/C FEDERATION LTD. (HIMFED)

EMPLOYEES UNION (Regd.)

ANURAG HOTEL, SHIMLA-171 003

Shimla-3, the 30th December, 1988

Ref. No. EU/2/88 Vol-II-2665 (Phone : 3329)

To

The Managing Director,
HIMFED, Shimla-3.

Subject:—Demand Charter.

Sir,
In continuation to letter No EU/2/88-Vol-II-1960 to 2100, dated 25-11-88 and letter No. EU/2/88 -Vol-II-2107 to 2200, dated 2-12-88, No. HIM/4-2256, dated 3-12-88 and the proceeding of the meeting of the Union, dated 14th December, 1988, I am directed to submit the revised demand charter of the Union.

You are requested to accept the demands of the union within 15 days time failing which union shall start direct action and no further notice shall be served.

Encl . Demand Chapter.

Yours Faithfully,
RAJINDER THAKUR,
General Secretary.

DEMAND CHARTER OF HIMFED EMPLOYEES UNION

1. House Building advance, Vehicle Loan and L.T.C. facility.
2. Repatriation of G.M and Financial Controller.
3. Management not to interfere in Union activities.
4. Bus pass facility to all Himfed employees.
5. Free accommodation to all employees as Marketing Officers and other Officers have been provided.
6. Regularisation of all daily wages employees who have rendered 240 days service in this federation like Shri Vidya Singh and Y.S. Panta.
7. Nomination of employees representative in B.O.D.
8. Writing off of dead stock of Fertilizers, Tea, Pesticides, Salt and confiscated goods.
9. Salary, T.A. and Medical Bills may be passed in respective Area Offices.
10. Recovery of salary from Shri Hans Raj Bhadur cleaner, who works at the residence of G.M since the date of his joining and his services may be terminated forth-with.
11. Workshop (Mechanical) of Nagrota may be shifted to Shimla.
12. Recovery of wrong salary paid to G.M. may be recovered.
13. Shifting of Area Office Mandi from Khaliar to main town Mandi.
14. Fixed T.A. of Drivers may be enhanced from Rs. 100 to 200 w.e.f. 1-1-1985.
15. Regularisation of Shri Maheshwar Singh Sisodia D/W Accountant, Narain Singh S/M, w.e.f. 1-10-1987 and Shri Kali Ram w.e.f. 4-8-87.
16. Promotion of Assistants Shri Surinder Kumar, Mrs. Sarla Gupta and Mrs. Om Kumari since the date when other three Assistants were promoted and the above named officials are not to be shifted/transferred like S. Shri Vidya Singh, Shri Bishan Singh and Shri Y. S. Panta.

17. Post of Marketing Assistant be given to Shri Rajinder Thakur since the date of his joining in Head Office as Marketing Assistant.
18. All Himfed employees may be provided official vehicles in case of emergent cases.
19. General Secretary's shifting to Secretariate may be cancelled immediately.
20. All vacant posts may be filled up.
21. Departmental enquiries may be initiated into Kiratpur Sahib fertilizer scandal and Darlaghat fertilizer scandal confiscated goods scandal. All enquiries may be completed within two months time.
22. Selection scale to Assistants and Conductors.
23. No Officer/official shall sit in the office after 5 P.M.
24. All employees should be assigned duties according to post and duties defined in their appointment orders.
25. No officer shall drive official vehicle.
26. Office accommodation may be provided to Himfed Employees Union. Telephone extension may also be provided in the union room.
27. Promotion quota may be given to peon-cum-chokidar to the category of Salesman and Clerks.
28. Selection scale of Accountants should be at par with the Assistants i.e. Rs. 800—1400.
29. Revision of the Pay scale of Internal Auditors may be at par with Accounts Officer i.e. 800—1400.
30. Refund of Security to Store Keepers with interest.
31. The posts of Store Keeper may be designated as Marketing Assistants and all 29 posts may be filled up immediately by hundred per cent promotion from the category of senior Store Incharges.
32. The posts of Marketing Officer may be filled up from the category of Store Incharge/Marketing Assistant.
33. The Office accommodation should be provided in each godown.
34. Chokidar should not take charge of the godowns. The Chokidar who are handling the godowns may be withdrawn immediately.
35. The increments stopped due to efficiency bar may be released immediately.
36. Promotion of Shri Kuldeep Singh Conductor to the post of Salesman as other conductors were promoted. The services of Shri Om Parkash D/W Mechanic may be regularise. Shri Dinesh Thapliyal Forwarding Asstt. may be awarded scale of Rs. 570—1080.
37. Selection scale to Drivers at the ratio of 30% instead of 20%.
38. Confirmation of all employees.
39. The posts of Record Keeper at all Area Offices along with Head Office may be got created and these posts may be filled up from the category of Peon-cum-Chokidar who are 8th pass and have rendered 4 years regular service.
40. Separate room may be provided in Head Office to night Chokidar.
41. Promotion quota to Clerks to Accountant category.
42. Service rules may be got published and arbitrary amendments may be stopped and Shri Bishan Singh Asstt. may not be authorised to compile the service rules.
43. Internal Auditors may be authorised to surprise check of cash and stocks.
44. Creation of Secret Cell.
45. Auditors from Co-operative Department should start the final audit of all area office/head office of concerned year from 1st of May and should submit their report before 31st July. No tentative balance sheet should be taken up immediately.
46. Selection scale to Store Keeper, Clerks/Drivers/Peon-cum-Chokidar from due date as the Accountant category have been given.
47. Promotion of Shri Ravinder Kumar, Store Keeper to marketing Assistant.
48. Revision of pay scale of Helper Mechanic.

Sd/-
Vice President.

Sd/-
General Secretary.

ANNEXURE "G"

No. 5669.

Dated 19-1-89.

To

The Regional Employment Officer,
Shimla district, Shimla.

Subject.—Registration of Agreement arrived between the HIMFED Employees Union and HIMFED Management on 4-5/12/88.

Dear Sir,

That an agreement has been arrived between HIMFED the Employees Union and HIMFED Management on 4-5/12/88.

That the said agreement may be registered in accordance with the prescribed procedure laid down under the law. A photo copy of said agreement is enclosed herewith for your necessary action.

Thanking you.

Yours faithfully,

Sd/-
Managing Director, HIMFED, Shimla-3.

Proceedings of the meeting held between the Negotiation Committee of the Himfed Employees Union and the Managing Director Himfed on 4th and 5th December, 1988.

The following were present:—

Himfed Employees Union :

- | | |
|-----------------------|-----------------------|
| 1. Shri Vidya Singh | .. President. |
| 2. Shri Amar Singh | .. Vice President. |
| 3. Shri R.K. Thakur | .. General Secretary. |
| 4. Shri Chandu Lal | .. Joint Secretary. |
| 5. Shri Kuldeep Singh | .. Executive member. |
| 6. Shri Bishan Singh | .. Member |
| 7. Shri Partap Singh | .. Member. |

Management :

- | | |
|-----------------------|-----------------------|
| 1. Shri Diljeet Singh | .. Managing Director. |
|-----------------------|-----------------------|

A notice of strike was received from the Himfed Employees Union on 25-11-88 giving the following action programme:—

- | | |
|--|---|
| (i) Protest week by wearing black ribbon | W.e.f. 25-11-88 to 1st December, 1988. |
| (ii) Pen down strike | 11 A.M. to 12 noon every day 25-11-88 to 2-12-88. |
| (iii) Chain hunger Strike | 3-12-88 to 9-12-88 |
| (iv) Indefinite strike | w.e.f. 10-12-88. |

Later on another notice was received on 2-12-88 whereby the date of indefinite strike was postponed from 10th December to 16th December, 1988. Earlier, a demand charter listing 15 demands was received which was further enhanced to 17 and at the time of negotiations, afresh demand charter enlisting 25 demands was presented before the management. The negotiations began peacefully on 4th December, 88 in the office of the Managing Director and 11 demands were discussed on the first day. There after the meeting was postponed for the next day i.e. 5th December, 88 and negotiations were again started from 11 A.M. after discussing 12th demand, some of the members agitated on item No. 13 as this demand was not accepted by the management. Three members of the Negotiation Committee i.e. Shri R.K. Thakur, Amar Singh and Shri Partap Singh Chauhan walked out in protest. However, rest of the members continued with the negotiations to finalise the agreement as follows:

1. House building advance, vehicle loan and LTC :

The demand of house building advance and vehicle loan has been accepted by the management and the facility is allowed for all the employees of Himfed as per Government pattern. For this purpose, it was further agreed to make a budgetary provision of Rs. 5.00 lakhs for house building advance and Rs. 1.00 lakh for vehicle loan. The management will subsidize the rate of interest to the employees out of its profits to the extent there is a difference in the rate of interest. Supposing Himfed borrows a loan @16% rate of interest and advances the same to the employees as per State Government instructions where there is rate of interest of 9% or 10%, the difference of 6% or 7% in interest shall be borne by the management and for this purpose a provision of Rs. 10,000/- out of the profits of Himfed shall be made every year. Regarding LTC facility, it was agreed by the management to take up the matter with the Registrar Co-op. Societies, Himachal Pradesh, forcefully citing examples of various Corporations, Board etc., where this facility is in existence.

2. Removal of Shri Subhash Aggarwal from the post of Accounts Officer :

It was agreed to relieve Shri Subhash Aggarwal Mktg. Officer of the additional charge of the post of Accounts Officer with immediate effect. The special allowance or pay being give for such additional works to Shri Aggarwal or to Mr. Bramta was also withdrawn.

3. Filling up of the posts of Assistants Steno-typist Store-keeper and one post of Mktg. Assistant by promotion:

The orders of promotion of Marketing Assistant as per the D.P.C. already held shall be issued immediately. It was felt that there is no necessity to fill up the posts of Steno-typists. Regarding filling up three posts of Assistants which have been otherwise reserved for Sch. Caste category and for which we have no eligible candidates in the next three years, it was felt that the posts may be filled up by placing the matter before the Executive Committee Himfed in its meeting on 8th December, 88. It was unanimously agreed to fill up 4 posts of store Incharge

after amending the service rules, to the extent that the posts of Mktg. Assistant/Store Incharge shall be filled up in future as follows:—

75% by promotion and 25% by direct recruitment instead of 50:50 as at present.

4. *Promotion quota of Peon-cum-Chowkidars:*

The promotion quota for the posts of Clerks from the category of Peon-cum-Chowkidars already exists in the service rules. So far as amendment in the rules for giving 10% promotion quota to class-IV employees as salesman is concerned, it was agreed to get the rules amended that could also be promoted for the post of Salesmen.

5. *Shifting of Area Office, Mandi from Khaliyar to Mandi main town:*

The agreement already signed with the landlord at Mandi was explained to the Union members where after it was agreed unanimously that the construction of our own Area office building at Lunapani shall be taken up by the management immediately and all efforts shall be made to complete this building within 6 months period so that the Area office could be shifted to Lunapani. The Union members will not object to the shifting of office to Lunapani after the completion of building and will extend full support to the management.

6. *Fixed T.A. to Drivers:*

The demand regarding enhancement of fixed T.A. to the drivers from Rs. 100/- to Rs. 175/- was pending, with us for long. It was agreed to accept this demand. At the same time the Union members also assured that they will not press for any further raise or increase after the new pay scales are announced.

7. *Change of designation of salesmen to Store Incharge:*

The demand regarding change of designation of salesmen to that of store keeper or store incharge was also pending for quite some time. It was agreed that the designation of salesmen shall be changed to that of store keeper. Necessary amendments in the service rules shall be effected. The 'word' Store Incharge shall be used for the posts which are in the pay-scale of Rs. 570—1080, which is equivalent and exchangeable with the posts of Marketing Assistants. It was further agreed by the Union members that this change in the designation of salesmen to store keeper involves no financial burden on HIMFED and the Union will never press or agitate for any higher emoluments after the change in the designation.

8. *Service rules may be got published:*

The management had already agreed to publish the service rules. It is further decided that Shri Bishan Singh, Assistant will compile and prepare the service rules incorporating all amendments so that the same could be got published.

9. *D.C. approved rates to all daily wage employees:*

The management have always been allowing D.C. approved rates to its daily wages employees. The present D.C. approved rates has been sent to the Registrar, Co-op. Societies, Himachal Pradesh for approval. The same shall be allowed to the employees after the approval of the Registrar, Co-op. Societies, Himachal Pradesh.

10. *Regularisation of Shri Meheshwar Singh, S/Shri Narain Singh, Rajinder Kumar and Kali Ram:*

The orders of regularisation of Shri Narian Singh and Kali Ram whose papers have been completed will be issued immediately. Regarding the case of Shri Rajinder Kumar, who was initially recruited as Conductor, but working as salesman since 1981-82, the Union will give an assurance that no such case is pending or will be recommended by them in future so that he could be designated as salesman. Similarly, regarding regularisation of Shri Prem Singh, who is working as chowkidar, the Union agreed not to plead any such case in future as he is the only person who is working as Chowkidar and who is not regularised. The management agreed for this. Regarding regularisation of Shri Meheshwar Singh D.W. Accountant, it was agreed unanimously that his orders of regularisation can be issued only after the panel of the earlier recruitment examination is exhausted or its term expires. Therefore, the management agreed to issue orders of regularisation after the term is over.

11. *Repatriation of General Manager from HIMFED:*

It was agreed to get the post of G.M. created in our service rules from the RCS, Himachal Pradesh, about which the management has already taken a decision. After the creation of the post, Recruitment and promotion rules regarding filling up of this post shall be sent to the Registrar, Co-op. Societies Himachal Pradesh.

12. *Bus passes facility:*

The facility of bus passes have been agreed to be provided by the State Government. Therefore the management of HIMFED will also abide by this directive.

Since this involves financial burden, this facility will be provided after placing the matter before the Board.

13. *General Secretary's shifting to Secretariat may be cancelled:*

It was explained to the members that the General Secretary has been shifted locally and therefore no victimisation has resulted. The management further agreed to give an undertaking that any employee who is president or General Secretary of the Union shall not be transferred out of Shimla town at any time.

14. *Departmental Enquiry into wheat shortages, Kiratpur Scandal, Darlaghat fert. scandal etc.:*

Departmental enquiry in the Kiratpur scandal has already been held by the management. So far as Darlaghat shortages are concerned, it was informed by the management that FIR has been lodged with the police for proper investigation. At the same time, the departmental action against the individual salesman is being taken.

15. *Selection scale to Asstts. Sr. Scale Steno and conductors.:*

The case for amendments in the service rules for providing selection scale to Assistants, Sr. scale Stenographer is being recommended to the Registrar, Co-op. Societies, Himachal Pradesh Similarly the case of Conductors for selection scale at par with Peons, i.e. 20% of their existing strength shall also be sent to the Registrar Co-op. Societies H.P.

16. *Shifting of Shri Hari Krishan Driver:*

The management had already shifted Shri Hari Krishan, Driver from Nagrota Bagwan to Shimla and he is already working in this region for the last 5/6 months. Formal orders of his transfer from Nagrota to Shimla shall be issued.

17. *No officer/official shall sit in the office after 5 p.m.:*

The Union members represented that the officers/officials sit after 5 p.m. Sometimes may be sitting either for the personal works or for such works which are not relevant with the office work. Transaction of such business which has nothing to do with the office work shall not be undertaken in the office premises. Therefore, it was agreed that all officials who are required after 5 p.m. for official work shall take prior permission of the officer-in-charge of the concerned branch and in case the officers are required to sit after 5 p.m. they will inform the M.D. at the same.

18. *Office Accommodation to Union telephone extension:*

It was agreed to provide the available room in the first floor to the Union for the time being. Regarding telephone extension, at present this facility is not available and in future the management will make efforts to provide this extension also.

19. *Creation of Secret Cell:*

It was agreed to create a secret cell with the Managing Director, HIMFED.

20. *Nomination of Employees representative in the B.O.D.:*

The demand regarding nomination of employees representative on the B.O.D. shall be placed before the Board for consideration.

21. *All employees should be assigned duties according to posts and duties as defined in appointment orders:*

It was agreed specify the duty of each post so that there remains no ambiguity so far as duties and responsibilities to each employee are concerned.

22. *No officer shall drive the vehicles:*

It was agreed that whenever the drivers are available the officers shall not drive the vehicles. It was also informed by the management that it is only in emergency that the officers are allowed to drive the vehicles themselves when the works of the fed. are at stake.

23. *Daily wages regularisation after 240 days:*

The matter is already subjudice. As such no action can be taken at this stage as the writ filed by Shri Bishan Singh against the order of Shri Vidya Singh and Shri Y.S. Panta is pending for final disposal.

24. *Selection scale to Accts. at par with Assts:*

The members of the union informed that the selection scale to Accountants i.e. 700--1300 has been revised in the new pay-scale to that of Rs. 1800--3200. Same scale is applicable to the Assistants in the new pay-scales. The management shall have no objection in giving the revised scales to the Accountants at par with the Assistants as per the above statement of the members of the Union.

25. *Selection scale to Mktg. Assts. and Storekeepers:*

There exist no such scale of this nature in the old scale. However, the management agreed to consider the same in case it is provided by the State Government in future.

26. *Additional charge of Audit Officer:*

Though the demand did not figure in the charter of demands, however, the members requested that since the post of Audit Officer is lying vacant after the repatriation of Shri M.S. Chauhan, we may give the charge to the senior most Internal Auditor. Thus, the management agreed to give the additional charge of this post to Shri Surinder Sharma till further orders.

Above demands are negotiated as a package deal by the management with the employees Union. The employees Union further agrees to withdraw their agitation and join their duties peacefully, in order to enable the management to issue orders to implement the demands accepted as per this agreement. There shall be no victimisation of the employees who call off the agitation on the signing of this agreement.

